

### **REMARKS**

Entry of this Amendment, filed concurrently with the Request for Continued Examination, is respectfully requested. After entry of this Amendment claims 1-7 and 14-15 are pending in this application. Claims 1, 2, 4, and 5 have been amended to more specifically claim the subject matter of Applicants' invention. Claims 3, 8-13, which were previously withdrawn, are canceled without prejudice. For the following reasons, it is respectfully submitted that Applicant's invention as set forth in the claims includes features which are not anticipated or rendered obvious by the cited references, taken singly or in combination. Reconsideration of the application as amended is requested.

In the Final Office Action dated March 21, 2007, claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DE1183214 in combination with EP593876. The Examiner asserts that although DE '214 does not disclose the water nozzle in the dishwasher spaced from the disk, it would have been obvious to one skilled in the art to re-arrange the position of the disk and nozzle to be spaced apart as an obvious design choice. The Examiner also asserts that although DE '214 is also devoid of using a second disk and a second water nozzle, it would have been obvious to use a second water nozzle as taught by EP '876.

Claim 1, which claims 2 include by dependency, recites dishwasher having a disk and a water nozzle. The disk is mounted on the top wall of the dishwasher for rotation about a vertical axis. The disk includes a plurality of vanes. The water nozzle is positioned on one of the walls adjacent the top wall and projects a water jet substantially perpendicular to the axis of rotation of the disk onto the vanes of the disk to rotate the disk and thereby redirect the water radially for distribution in the washing chamber. Claim 4, which claims 5-7 include by dependency, also recites an improved water distribution system for a dishwasher having a wash chamber defined by opposite side walls, a bottom wall, a top wall, a back wall, and a door. The water distribution system includes a rotatable disk and a water nozzle. The disk is mountable on one of the opposite side walls, the top wall, and the back wall. The water nozzle is positioned in the dishwasher, discrete from the disk and is adapted to project a water jet toward the disk in a direction transverse to an axis of rotation of the disk so as to impart rotation to the disk and thereby redirect the water jet in a radial spray pattern in the dishwasher

DE '214 discloses a water distribution configuration, wherein a water nozzle 8 is positioned in the center of a rotating disk 10 having vanes 18. Water is directed vertically

from the top of the dishwasher in the center of the disk parallel to the axis of rotation of the disk as shown in Fig. 1. The water is not project toward the disk, perpendicular to the axis of roatation of disk as recited in claims 1 and 4. Additionally, the disk and the water nozzle are essentially one component mounted to the top wall of the dishwasher as shown in Fig. 1. Therefore, DE '214 is also devoid of a water nozzle positioned on a wall adjacent the top wall as recited in claim 1. Likewise DE '214 is also devoid of the water nozzle being positioned in the dishwasher, discrete from the disk as recited in claim 4. Applicants respectfully submit that it would not be an obvious design choice to one skilled in the art to modify the spray apparatus in DE '214 to include a nozzle discrete from the disk or positioned on a wall adjacent to the top wall where the disk is mounted and for the nozzle to project a water jet substantially perpendicular to the axis of rotation of the disk. To move the cross-shaped nozzle, as shown in Fig. 2, from the center of the disk to a position discrete from the disk or to a wall adjacent the top wall, would not function in the same manner. The nozzle would also require modification such that a water jet was sprayed at the disk substantially perpendicular to the axis of rotation of the disk as recited in claims 1 and 4. Furthermore, the downward cup shape of the disk as shown in Figs. 1-3 would prevent the water jet and disk to interact so as to impart rotation to the disk and thereby redirect the water jet in a radial spray pattern in the dishwasher as recited in claims 1 and 4. Reconsideration is respectfully requested.

EP '876 is relevant only for its disclosure of a dishwasher having multiple spray means. It is resubmitted that DE'214 is devoid of a water nozzle and disk spaced apart as recited in claims 1 and 4, from which claims 2-3 and 5-7 depend. The addition of the EP '876 reference does not overcome this deficiency. Applicant respectfully submits that the combination of the prior art references does not suggest or render obvious the present invention in claims 1-7. Reconsideration is respectfully requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application. It is further submitted that this Amendment has antecedent basis in the application as originally filed and places the application in suitable condition for allowance; notice of which is respectfully requested. Reconsideration of the application is requested.

Respectfully submitted,

Dated: June 21, 2007

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